

Exhibit H

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
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REED GALIN,

PLAINTIFF,

6 -against- Case No.:
15-CV-6992

8 KUNITAKE HAMADA,

9 DEFENDANT.

10

11 DATE: October 28, 2016

12 TIME: 10:50 A.M.

13

14

15 DEPOSITION of a Non-Party
16 Witness, WARREN ADELSON, taken by the
17 respective parties, pursuant to a Court
18 Order and to the Federal Rules of Civil
19 Procedure, held at the offices of Adelson
20 Galleries, 730 Fifth Avenue, 7th Floor, New
21 York, New York 10019, before Jamie Bortner,
22 a Notary Public of the State of New York.

23

24

25

1 W. ADELSON
2 W A R R E N A D E L S O N , called as a
3 witness, having been first duly sworn by a
4 Notary Public of the State of New York, was
5 examined and testified as follows:

6 EXAMINATION BY

7 MS. TARSIS:

8 Q. Please state your name for the
9 record.

10 A. Warren Adelson.

11 Q. What is your address?

12 A. 730 5th Avenue, New York, New
13 York 10019.

14 Q. Mr. Adelson, we have few
15 questions about your work with Coe Kerr
16 Gallery, because we're are trying to figure
17 out where Coe Kerr Gallery materials might
18 have ended up when the gallery closed.

19 Can you tell us when you worked
20 with the gallery?

21 A. I worked from 1974 through most
22 of 1989.

23 Q. Do you know when the gallery
24 closed?

25 A. I believe 1993.

1 W. ADELSON

2 Gallery when you worked there?

3 A. There were many partners.

4 Q. Do you remember their names?

5 A. Fred Woolworth and his
6 brother-in-law, Clark Swanson.

7 Q. Do you know a man by the name
8 of O. Kelley Anderson?

9 A. Kelley was one of the partners,
10 yeah.

11 Q. What about Jerald Fessenden?

12 A. Jerald was one of the partners
13 and I had a small equity in the company.

14 Q. Were all four of you experts in
15 Andrew Wyeth, would you say?

16 A. The word expert has a
17 particular meaning in the art world. In
18 that jargon, I don't know that I would say
19 yes to that question.

20 Q. So, there were four owners, in
21 the gallery, in different values?

22 A. There were more -- as I was
23 saying, there are other partners too.

24 Q. Would you be able to name all
25 of them?

1 W. ADELSON

2 A. I'm doing that, you asked me
3 to, yeah. Clark Swanson is Fred's
4 brother-in-law. I think he's dead. I
5 guess that's about it. Fred had the
6 initial idea. He was the major majority
7 owner of the building. We all just owned
8 little pieces of it.

9 Q. Were all five of you experts --

10 A. We were not experts.

11 Q. Were roles designated? Was
12 somebody business development, somebody was
13 examining artwork?

14 A. Fred was in charge of Andrew
15 Wyeth.

16 Q. Okay. Do you know if Kelley
17 Anderson knew about Andrew Wyeth's works?

18 A. We all did, to some extent.

19 Q. Was David Ramus known to the
20 entire staff of Coe Kerr or did he deal
21 with anybody in particular?

22 A. He wasn't that frequently seen.
23 So, I don't know. I mean --

24 Q. How many times was he seen, do
25 you think? How often did he come into the

1 W. ADELSON

2 gallery or deal with the gallery?

3 A. I don't know.

4 Q. Frequently?

5 A. Not frequently, no.

6 Q. More than once?

7 A. It was perhaps more than once.

8 I really don't --

9 Q. Half a dozen times?

10 A. We had open doors. So, lots of
11 people came in. I don't remember him there
12 much.

13 MR. COMEN: Can we go off the
14 record for a second?

15 (Whereupon, an off-the-record
16 discussion was held.)

17 Q. You said you knew a man named
18 David Ramus?

19 A. Yes.

20 Q. You met him in person?

21 A. Yes. Yeah.

22 Q. Would you be able to describe
23 him?

24 A. Yes.

25 Q. Would you please describe him.

1 W. ADELSON

2 long time ago, so, yeah.

3 Q. Do you remember whether Coe
4 Kerr Gallery had a practice of trading
5 pictures with other dealers?

6 A. Yeah, I guess so. Sure.

7 Q. Swap of paintings?

8 A. Sure.

9 Q. How would these transactions be
10 structured?

11 A. Again, this is a case by case.

12 But, generally, when dealers trade
13 pictures, it's, I'll give you two cats for
14 a dog. That kind of thing. Unless it was
15 a specific incidence. But, I can't say
16 more than that. Trading was trading.
17 Sometimes it involves money, sometimes --
18 there are all kinds of variables with
19 situations like that.

20 Q. Do you remember any special
21 transactions with David Ramus?

22 A. I don't. No, I don't.

23 Q. Do you remember any
24 transactions with David Ramus?

25 A. No.

1 W. ADELSON

2 remember. I don't remember what I said to
3 him.

4 Q. Did you ever learn that

5 Mr. Ramus was convicted and sentenced to
6 prison?

7 MR. COSSU: Objection to form.

8 A. Of course.

9 Q. When did you learn that?

10 A. When it happened. Everybody
11 knew it.

12 Q. Did you have any suspicions
13 that he was not acting in an honest manor
14 when you were dealing with him?

15 MR. COMEN: You haven't made it
16 clear. When was he first dealing
17 with him?

18 Q. When you were at Coe Kerr, did
19 you have any suspicions about Mr. Ramus's
20 honesty and integrity?

21 A. No.

22 Q. What was your reaction when you
23 learned that he had been indicted?

24 MR. COSSU: Objection to form.

25 MR. COMEN: Please, it goes

1 W. ADELSON

2 Kerr?

3 A. I don't remember. I might
4 have. I don't know.

5 Q. It's your testimony that the
6 transaction with Ice Storm, when it was
7 transferred from Mr. Ramus to Coe Kerr,
8 that you knew nothing about that
9 transaction?

10 A. I remember nothing.

11 MR. COSSU: Objection to form.

12 MR. COMEN: Okay. We are good.

13 MR. COSSU: I have about
14 literally four to five questions for
15 you. I want to quickly regroup, if
16 that's all right?

17 (Whereupon, a short recess was
18 taken.)

19 EXAMINATION BY

20 MR. COSSU:

21 Q. Good afternoon Mr. Adelson. My
22 name is Paul Cossu. I represent the
23 Defendant in this matter, Kunitake Hamada.
24 Just a couple quick questions and some
25 follow-up on the questions that you were

1 W. ADELSON

2 asked by Irina and Richard.

3 Do you recall when, in 1989,

4 you left the Coe Kerr Gallery?

5 A. It was at the end of the year,

6 November/December. It was towards the end

7 of the year. I don't remember, exactly.

8 Q. Did David Ramus ever tell you

9 he was a partial owner of the Andrew Wyeth

10 painting, Ice Storm?

11 A. No.

12 Q. Did Andrew ever mention a

13 person named Reed Galin, to you?

14 A. No.

15 MR. COSSU: I'm going to have

16 this marked as Defendant Exhibit A.

17 (Whereupon, a Copy of Receipts

18 were marked as Defendant's Exhibit A

19 for Identification as of this date by

20 the Reporter.)

21 Q. I'm going to represent to you

22 that Defendants Exhibit A is a series of

23 documents that were produced to us by

24 Plaintiff in discovery, in the order that

25 they were produced to us by Plaintiff.